

SO ORDERED.

Dated: December 7, 2020



Eddward P. Ballinger Jr., Bankruptcy Judge

THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF ARIZONA

In re

KUSHUNE DENISE ALLEN,

Debtor.

CHAPTER 13

CASE NO. 2-20-BK-01580-EPB

**STIPULATED ORDER CONFIRMING  
CHAPTER 13 PLAN**

The Chapter 13 Plan having been properly noticed out to creditors and any objection to confirmation having been resolved,

**IT IS ORDERED** confirming the Plan ("Plan") of the Debtor as follows:

**(A) INCOME SUBMITTED TO THE PLAN.** Debtors shall submit the following amounts of future income to the Trustee for distribution under the Plan.

(1) Future Earnings or Income. Debtors shall make the following monthly Plan payments:

Months	Amount
1-60	\$ 2,969.00

The payments are due on or before the 16th day of each month commencing March 16, 2020. Debtors are advised that when payments are remitted late, additional interest may accrue on secured debts which may result in a funding shortfall at the end of the Plan term. Any funding

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1 shortfall must be cured before the plan is deemed completed.

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3 Within 14 days of filing them, the Debtor will provide a copy of the 2020 – 2023 federal  
4 and state income tax returns to her attorney, who is to provide the returns to the Trustee  
5 through [www.13documents.com](http://www.13documents.com).

6 (2) Other Property. In the event that other property is submitted, it shall be treated as  
7 supplemental payments.

8 (B) **DURATION.** This Plan shall continue for 60 months from the first regular monthly  
9 payment described in Paragraph (A)(1) above. If at any time before the end of the Plan period all  
10 claims are paid, then the Plan shall terminate. In no event will the term of the Plan be reduced to  
11 less than 36 months, exclusive of any property recovered by the Trustee, unless all allowed  
12 claims are paid in full.

13 (C) **CLASSIFICATION AND TREATMENT OF CLAIMS.** Claims shall be classified  
14 as listed below. The Plan and this Order shall not constitute an informal proof of claim for any  
15 creditor. This Order does not allow claims. Claims allowance is determined by § 502 and the  
16 Federal Rules of Bankruptcy Procedure. The Trustee shall receive the percentage fee on the Plan  
17 payments pursuant to 28 U.S.C. § 586(e), then the Trustee will pay secured creditors or allowed  
18 claims in the following order:

19 (1) Administrative expenses:

20 Attorney Fees. Tom McAvity, shall be allowed total compensation of \$4,500. Counsel  
21 received \$690 prior to filing this case and will be paid \$3,810 by the Chapter 13  
22 Trustee.

23 (2) Claims Secured by Real Property:

24 (a) Creditor, Nationstar Mortgage LLC, secured by a first deed of trust in the  
25 Debtor's residence, shall be paid pre-petition arrears of \$12,154.56, with 0%  
26 interest.

27 (b) Creditor, Nationstar Mortgage shall be paid Post Petition mortgage fees of \$1,200.

28 (c) Conduit mortgage payments shall be paid by the Trustee beginning in month 1 of  
the Plan for the mortgage payment due to the creditor on March 1, 2020. The

1 conduit payment shall be paid by the Trustee for the duration of the Plan unless  
2 otherwise ordered. For any month when the balance on hand in Debtor's account  
3 is insufficient to allow disbursement of the conduit payment and any adequate  
4 protection payments on personal property that have become due, the amount due  
5 for that month will be paid to the creditor on the next disbursement date when the  
6 Debtor's account balance has sufficient funds to pay a full conduit payment.

7 (d) If and when a Notice of Payment Change is received, the Trustee will adjust the  
8 Plan payment to reflect the decrease or the increase in the mortgage payment, The  
9 Trustee is authorized to disburse the new mortgage conduit payment without  
10 seeking an Order of the Court or a modification of the Plan.

11 (e) If Nationstar Mortgage LLC files any additional notices for post-petition fees and  
12 expenses, within 21 days of the notice, the Debtor will submit an amended SOC  
13 to the Trustee. The amended SOC must provide for payment of the additional  
14 expenses, plus trustee fee, and increase plan yield accordingly.

15 (f) Trestle Management is secured by a deed of trust in the Debtor's residence and  
16 will be paid \$0.00 through the Plan. Regular post-petition assessments will be  
17 paid directly by the Debtor to Trestle Management.

18 (3) Claims Secured by Personal Property:

19 (a) Camelback Finance Inc c/o Jefferson Capital Systems, LLC, secured by a lien in a  
20 2006 Lexus ES330, shall be paid a secured claim of \$13,257.00 with 7% interest.  
21 The creditor will receive adequate protection payments of \$100 per month. The  
22 balance of the debt shall be classified as unsecured.

23 (4) Unsecured Priority Claims:

24 (a) Department of Treasury/Internal Revenue Service shall be paid an unsecured  
25 priority claim of \$506.38 with no interest for income taxes.

26 (5) Surrendered Property:

27 Upon confirmation of this plan or except as otherwise ordered by the Court,

1 bankruptcy stays are lifted as to collateral to be surrendered. Such creditor shall  
2 receive no distribution until the creditor timely files a claim or an amended proof of  
3 claim that reflects any deficiency balance remaining on the claim. Assuming the  
4 creditor has an allowed proof of claim, should the creditor fail to file an amended  
5 claim consistent with this provision, the Trustee need not make any distributions to  
6 that creditor. Debtors surrender the following property:

7 (a) None.

8 **(6) Other Provisions:**

- 9 a) To the extent that the Arizona Department of Revenue's nondischargeable  
10 liabilities are not paid in full through pro rata distributions under the Plan or  
11 through direct payments outside of the plan, the unpaid balance along with  
12 postpetition and post-confirmation interest shall **not** be discharged in accordance  
13 with 11 U.S.C. §§ 523(a)(1)(B)(ii) and 1328(a).  
14 b) Spencer's TV and Appliance did not file a proof of claim as the debts have been  
15 paid. Spencer's TV and Appliance will not receive any disbursements through the  
16 plan.

17 **(7) Unsecured Nonpriority Claims.** Claims allowance is determined by § 502 and the  
18 Federal Rules of Bankruptcy Procedure. Allowed unsecured claims shall be paid pro  
19 rata the balance of the payments under the Plan and any unsecured debt balance  
20 remaining unpaid upon completion of the Plan may be discharged as provided in 11  
21 U.S.C. § 1328.

22 **(D) EFFECTIVE DATE AND VESTING.** The effective date of the Plan shall be the  
23 date of this Order. Property of the estate vests in Debtors upon confirmation, subject to the rights  
24 of the Trustee to assert a claim to any additional property of the estate pursuant to 11 U.S.C. §  
25 1306.

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**ORDER SIGNED ABOVE**


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1 Approved as to Form and Content By:

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5 Russell Brown, Trustee

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8 Tom McAvity  
9 Attorney for Debtors

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12 Jason P. Sherman  
13 Attorney for Nationstar Mortgage LLC d/b/a Mr Cooper

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16 Christopher J Dylla, Assistant Attorney General  
17 Attorney for the State of Arizona

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19 The Debtors certify: All required State and Federal Income tax returns have been filed.  
20 No domestic support obligation is owed or, if owed, such payments are current since the filing of  
21 the Petition.  
22

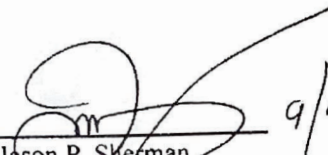
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24 KUSHUNE DENISE ALLEN, Debtor

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9 Attorney for Debtors

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11  9/9/2020  
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